

SENATE BILL No. 50

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-4-609.

Synopsis: Planning and zoning. Requires an affirmative vote of one member more than a majority of the members of a legislative body to take action on a proposal that received an unfavorable recommendation or no recommendation from an advisory plan commission: (1) to amend or partially repeal the text, not including the zone maps, of the zoning ordinance; or (2) to change the zone maps incorporated by reference into the zoning ordinance.

Effective: July 1, 2004.

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November 21, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 50

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-7-4-609 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 609. (a) ADVISORY.
3 A legislative body may take action under section 606, 607, or 608 of
4 this chapter only by a vote of at least a majority of all the elected
5 members of the body. **However, if a proposal under section 607 or**
6 **608 of this chapter receives either an unfavorable recommendation**
7 **or no recommendation from the plan commission, the legislative**
8 **body may take action on the proposal only by an affirmative vote**
9 **of at least:**
10 (1) **a majority of all the elected members; plus**
11 (2) **one (1) additional elected member;**
12 **of the legislative body.**
13 (b) AREA. A legislative body may take action under section 606,
14 607, or 608 of this chapter only by a vote of at least a majority of all the
15 elected members of the body.
16 (c) METRO. The legislative body may take action under section
17 606, 607, or 608 of this chapter only by a vote of at least three-fifths

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(3/5) of all the elected members of the body.

(d) ADVISORY—AREA. Each city shall determine whether its zoning ordinances will be subject to veto by the executive of the city. If the city legislative body, by general ordinance, so provides, then each zoning ordinance adopted by that city under section 606, 607, or 608 of this chapter may be vetoed by the executive of the city. The executive must exercise the veto:

(1) in a case in which the legislative body adopts (as certified) the proposal, within ten (10) days after the legislative body acts;

(2) in a case in which the legislative body amends the proposal and the plan commission approves the amendment or fails to act, within fifty-five (55) days after the proposal is returned to the plan commission for its consideration;

(3) in a case in which the legislative body amends the proposal and confirms its original amendment by another vote, within ten (10) days after the legislative body confirms its original amendment; or

(4) in a case in which the proposal is to take effect because of the legislative body's failure to act within a period of days, within ten (10) days after the expiration of that period.

(e) If a city zoning ordinance is not vetoed under subsection (d), it takes effect without any action being taken by the executive of the city.

(f) ADVISORY—AREA. If a city zoning ordinance is vetoed under subsection (d), it is defeated unless the city legislative body, at its first regular or special meeting after receiving the veto message, passes the ordinance over the veto by a two-thirds (2/3) vote.

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